

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

LASHAWN JONES, ET AL.

**CIVIL ACTION
NO. 2:12-cv-00859**

VERSUS

MARLIN GUSMAN, ET AL.

SECTION I, DIVISION 1

**JUDGE LANCE M. AFRICK
MAGISTRATE JUDGE
MICHAEL NORTH**

RESPONSE TO COURT ORDER DATED 1/25/19 (R.DOC. 1221)

The City of New Orleans (the “City”), under the new leadership of Mayor LaToya Cantrell (“Mayor Cantrell”), hereby submits its response to the Court’s Order of January 25, 2019 (R.Doc. 1221). The City recognizes the need and urgency to meet the requirements of the Consent Decree regarding the Orleans Parish Sheriff’s Office (“OPSO”/“Sheriff’s Office”). Accordingly, shortly following the Mayoral transition, Mayor Cantrell and her team initiated an analysis of all options to construct Phase III of the Orleans Justice Center (“OJC”). The goal of this analysis was to ensure compliance with the stated Consent Decree obligations, and further to construct a Phase III program, cost effectively and within budget, and to do so in a manner that minimizes negative impact on the operating costs of the Sheriff’s Office.

The Independent Jail Compliance Director, Darnley R. Hodge, Sr. (“Director Hodge”), provided notice of lease termination at Elayn Hunt Correctional Center (“Hunt”) on November 26, 2018. On December 3, 2018, the City, along with Hill International (“Hill”), Project Manager, and Grace Hebert Architects (“Hebert”), visited OJC to determine if renovations were feasible for the temporary and permanent housing of male and female medical inmates. On January 7, 2019, the City received plans from Director Hodge that were developed by Hebert, under the direction

of Sheriff Marlin Gusman (“Sheriff Gusman”) in 2014, to renovate all of the Temporary Detention Center (“TDC”) buildings to accommodate 160 male and female medical inmates. Thereafter, on January 12, 2019, the City met with Director Hodge and the Sheriff, and presented three options, including both temporary and permanent solutions for medical services housing within the City’s current budget. These options included¹:

- 1.) Renovations to all TDC buildings phased to accommodate the transfer of male inmates from Hunt, the permanent, 89-bed male and female medical inmate housing, a new visitation center and laundry, and the pedestrian bridge connection to this new building and the kitchen/warehouse building;**
- 2.) Renovations to three TDC buildings for the permanent 89-bed male and female medical inmate housing, a new visitation center and laundry, and the pedestrian bridge connection to this new building and the kitchen/warehouse building; and**
- 3.) Renovations to the 4th floor of OJC for the permanent 89-bed male and female medical inmate housing, a new visitation center and laundry and the pedestrian bridge connection to this new building and the kitchen/warehouse building.**

On January 23, 2019, the City was informed by counsel for OPSO that OPSO rejected all of the above options.²

Thus, in response to the Court’s January 25, 2019 Order (R.Doc. 1221), the City of New Orleans, in collaboration with Director Hodge and OPSO, and after consultation with the monitor – submits the following updated written proposal regarding a short-term solution to the Orleans Parish inmate mental health population.

- 1.) The renovation of two TDC buildings (four building units), for use as a temporary acute medical services facility to house 39 male inmates and 26-30 female inmates.³

¹See detailed description of OJC medical services options attached hereto as Exhibit 1.

² See attached correspondence from Attorney Blake Arcuri rejecting all three options attached hereto as Exhibit 2.

³ See detailed scope of work from Grace Hebert Architects attached hereto as Exhibit 3.

2.) Based on the information currently available, the project schedule estimate is noted as follows:

- a.) Revisions to current plans – 1 mo.
- b.) Procurement – 2 months (will require a fast track of the contract after the 30 day advertisement/bid opening period).
- c.) Construction – 8-9 months
- d.) Total duration – approximately 12 months

The City anticipates the proposed plan to be within a cost range of \$4.5 – \$5 million, for the renovation of TDC buildings one and two. OPSO has indicated agreement with this proposed temporary solution.

With the requested renovations to TDC, the City's OPSO capital investment will total **\$63.4 million** (including the OPP Docks Renovation, \$5.3 million; Youth Study Center 28-bed addition, \$17 million; and OJC Medical Services Phase III Building, \$36.1 million). Notably, the City has been informed by the leadership of FEMA Region 6 that there will be no additional FEMA funding forthcoming for this project. The City will therefore have to identify an alternate funding source for the TDC renovations.

For the purpose of transparency, it is important to note that this temporary solution, which Director Hodge / OPSO specifically requested, may be demolished following its temporary use, if the building cannot be repurposed. Nevertheless, given the historical and current posture of this Consent Decree litigation matter, along with the Hunt facility's newly asserted position that the referenced population of inmates can no longer be housed in their facility after October 2019, and given the Court's request for a solution within thirty (30 days) – the City will prepare to move forward in working to fulfill Director Hodge and OPSO's specific request for the renovation of

TDC, a temporary facility, and will work to identify funding for same – while simultaneously continuing to explore other options which may be more feasible given the temporary nature of this very costly solution.

The City, Hill, Hebert and CCS / Wellpath, the OPSO medical services provider, are all actively working with Director Hodge, Sheriff Gusman and the monitors to program, design, and construct a Phase III project that meets the requirements of the Consent Decree, and does so in a cost-effective manner.

Respectfully submitted,

/s/ Donesia D. Turner

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Counsel for City of New Orleans

Jean M. Torregano

From: Vincent A. Smith
Sent: Friday, January 18, 2019 2:06 PM
To: Marshall, Isidore; Hodge, Darnley; Bruno, Sean; Ramsey J. Green; Sunni LeBeouf; James Austin; Donesia D. Turner; arcurib@opso.us
Cc: Gusman, Marlin; Jerry Hebert; Allen Patrick
Subject: OJC MEDICAL SERVICES BUILDING OPTIONS
Attachments: OJC Medical Services Facility_Construction Options_F4011619.pdf;
OJCMedicalServicesBldgOptions_Attachment01.pdf;
OJCMedicalServicesBldgOptions_Attachment02.pdf;
OJCMedicalServicesBldgOptions_Attachment03.pdf

As a follow up to yesterday's meeting please see the attached proposed OJC Medical Services Construction Options. Also included are JFA's inmate population tables and recommended consolidations and supporting sources and uses document for the noted options.

The link to the proposed plans for the 4th floor (originally developed by Grace Hebert and modified by Allen Patrick) are at the following link:

<https://www.dropbox.com/sh/u0ankgadcjlay52/AABP4idPZi0w4myqtVa8me1ca?dl=0>

If you have any questions or comments it would be good if you could forward them to us prior to next Wednesday's meeting please forward prior to the meeting so we can provide a response.

Thanks.

Vincent A. Smith

Director

Capital Projects Administration/PDU

Office of Infrastructure

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Based on the walk thru of the 4th Floor of the Phase I and II facilities and a review of the Grace/Hebert plans for renovations to the OJC Temporary Detention Center (TDC) to accommodate 163 inmates at a cost of \$8.5mil (adjusted for inflation based on the Grace Hebert cost estimate of \$7.443mil developed in 2014) the following summary of additional construction options within the City's \$36mil budget are as follows;

1.) OPTION #1 -

- Utilize TDC as a permanent location for mental health services by renovating 2 of the existing 4 buildings to provide a 91-bed male mental acute and sub-acute direct observation inmates; and female mental acute and sub-acute direct observation inmates facility at an estimated cost of \$5mil (based on the previously noted cost estimate). The estimated construction duration is 6-8mos. Construction could be phased to open one building to allow for the relocation of the inmates at Hunt.
- The remaining funding from the City's \$36mil could be applied towards the renovation of the remaining 2 TDC buildings to accommodate a new medical and mental health administrative wing, laundry and visitation center at an estimated cost of \$6mil (which is 75% of the Grace Hebert new construction estimate for these spaces). Also, the bridge connection from the Jail/Admin Cntr. to the Kitchen/Warehouse could be constructed (\$2.5mil based on the Grace Hebert Estimate). The estimated construction duration for this work is 9-12mos (construction work be engaged concurrently with the medical services buildout noted above), (see attachment #1/option#1 sources and uses summary).

2.) OPTION #2 -

- Renovate 3 of the existing TDC buildings to provide a permanent 91-bed male mental acute and sub-acute direct observation inmates; and female mental acute and sub-acute direct observation inmates facility w/mental and medical health administrative space at an estimated cost of \$7mil (based on the previously noted cost estimate). The estimated construction duration is 6-8mos. Construction could be phased to open one building to allow for the relocation of the inmates at Hunt or the Hunt lease could be extended thru the full construction duration.
- The remaining funding from the City's \$36mil could be applied towards the construction of a new visitation center, laundry and pedestrian bridge (\$11mil based on the Grace Hebert Estimate). The estimated construction duration for this work is 9-12mos (construction work be engaged concurrently with the medical services buildout noted above), (see attachment #2/option#2 sources and uses summary).

3.) OPTION #3 -

- Renovate the 2nd floor pod at OJC that currently holds youthful offenders who will be relocated to the new YSC addition for the relocation of inmates from Hunt (\$1.25 mil based on Hill, International estimate). The estimated construction duration is 4mos.
- The remaining funding from the City's \$36mil could be applied towards the renovation of the 4th Floor of OJC to accommodate male mental acute and sub-acute direct observation inmates; female mental acute and sub-acute direct observation inmates; mental and medical administration build-out of unfinished space on the 2nd floor (\$12mil based on Hill International and Allen Patrick estimates) and; construct a new visitation center, laundry and pedestrian bridge (\$11mil based on the Grace Hebert Estimate). The estimated construction duration is 12 months (construction work be engaged concurrently with the medical services buildout noted above), (see attachment #3/option#3 sources and uses summary). One of the existing TDC facilities could be used as a swing space for inmates on the 4th floor during construction.

NOTE: The projected durations are for construction only and do not include durations for revisions to any current designs and/or new designs (which have to be determined), and the typical 90-day City procurement duration.

A summary table of the above noted options is listed below:

SUMMARY TABLE OF OPTIONS 1 - 3

Item	Option 1	Option 2	Option 3
TDC Used As Permanent Facility?	Yes	Yes	No
Bed Capacity for Acute/Sub Acute MH Population	91	91	132
Phase 3 Building Constructed?	No	Yes	Yes
Visitation Area Constructed?	Yes	Yes	Yes
Laundry Area Constructed?	Yes	Yes	Yes
Bridge Constructed?	Yes	Yes	Yes
Construction Durations	6-12 mos.	9-12 mos.	12 mos.
Total Project Costs (Hard/Soft/Contingency)	\$21.8mil	\$27.2mil	\$34.8mil
Total Jail Bed Capacity	1,529	1,529	1,300
Current Jail Population	1,197	1,197	1,197
Projected 2021 Jail Population	993	993	993
Projected Bed Surplus	+536	+536	+307

OJC MEDICAL SERVICES BUILDING
CONSTRUCTION OPTION #1

CNO - OJC MEDICAL SERVICES BUILDING

Proposed Budget Analysis-
January 14, 2019
Prepared by: Vincent Smith**SOURCES****Current Available Funding****3.1 FEMA / Bonds**

Funds available for Construction (FEMA)

Remarks

Actual Value

\$	36,048,228.00
\$	-
\$	-

GRAND TOTAL SOURCES: \$ 36,048,228.00**USES****Hard Cost**

Budget Value

Renovations to TDC (2 bldgs.) for a permanent (91 bed) Medical Services Building Location	\$	5,000,000.00
Renovations to TDC (2 bldgs.) for a permanent admin., visitation center and laundry facility	\$	6,000,000.00
Bridge Connection	\$	2,500,000.00
Sub-total	\$	13,500,000.00
Escalation @ 6%		\$810,000.00 (Assumed 3% per year)
Sub-total		\$14,310,000.00
Construction Contingency (10%)	\$	1,431,000.00
TOTAL:	\$	15,741,000.00

Soft Cost**2.1 Soft Cost Budget**

Budget Value

AE Services	\$	2,345,882.00
PM Services	\$	1,398,500.00
FF&E	\$	1,400,000.00 Allowance
5% Soft Cost Contingency - testing, survey, site remediation, other	\$	787,050.00
TOTAL:	\$	5,931,432.00

GRAND TOTAL USES: \$ 21,672,432.00

Total Proposed Project Budget

\$ 21,672,432.00

Total Available Funding

\$ 36,048,228.00

Add'l Funding Req'd or Budget Surplus : \$ 14,375,796.00 Budget Surplus

**OJC MEDICAL SERVICES BUILDING
CONSTRUCTION OPTION #2**

CNO - OJC MEDICAL SERVICES BUILDING

Proposed Budget Analysis-
January 14, 2019

Prepared by: Vincent Smith

SOURCES

Current Available Funding

3.1 FEMA / Bonds

Funds available for Construction (FEMA)

Actual Value	Remarks
\$ 36,048,228.00	
\$ -	
\$ -	

GRAND TOTAL SOURCES: \$ 36,048,228.00

USES

Hard Cost

Budget Value

Renovations to TDC (3 bldgs.) for a permanent (91 bed) Medical Services/Admin Bldg Location	\$ 7,000,000.00
New Visitation/Laundry/Pedestrian Bridge	\$ 11,000,000.00
	\$ -
Sub-total	\$ 18,000,000.00
Escalation @ 6%	\$1,080,000.00 (Assumed 3% per year)
Sub-total	\$19,080,000.00
Construction Contingency (10%)	\$ 1,908,000.00
TOTAL:	\$ 20,988,000.00

Soft Cost

2.1 Soft Cost Budget

Budget Value

AE Services	\$ 2,345,882.00
PM Services	\$ 1,398,500.00
FF&E	\$ 1,400,000.00 Allowance
5% Soft Cost Contingency - testing, survey, site remediation, other	\$ 1,049,400.00
TOTAL:	\$ 6,193,782.00

GRAND TOTAL USES: \$ 27,181,782.00

Total Proposed Project Budget

\$ 27,181,782.00

Total Available Funding

\$ 36,048,228.00

Add'l Funding Req'd or Budget Surplus : \$ 8,866,446.00 Budget Surplus

**OJC MEDICAL SERVICES BUILDING
CONSTRUCTION OPTION #3**

Proposed Budget Analysis- CNO - OJC MEDICAL SERVICES BUILDING
January 14, 2019

Prepared by: Vincent Smith

SOURCES

Current Available Funding

3.1 FEMA / Bonds

Funds available for Construction (FEMA)

Remarks

	Actual Value
	\$ 36,048,228.00
	\$ -
	\$ -

GRAND TOTAL SOURCES: \$ 36,048,228.00

USES

Hard Cost

	Budget Value
4th Floor Retrofit	\$ 12,000,000.00
New Visitation/Laundry/Pedestrian Bridge	\$ 11,000,000.00
Renovate 2nd Floor Pod for the relocation of prisoners from Hunt	\$ 1,250,000.00
Sub-total	\$ 24,250,000.00
Escalation @ 6%	\$ 1,455,000.00
Sub-total	\$ 25,705,000.00
Construction Contingency (10%)	\$ 2,570,500.00
TOTAL:	\$ 28,275,500.00

Soft Cost

2.1 Soft Cost Budget

	Budget Value
AE Services	\$ 2,345,882.00
PM Services	\$ 1,398,500.00
FF&E	\$ 1,400,000.00 Allowance
5% Soft Cost Contingency - testing, survey, site remediation, other	\$ 1,413,775.00
TOTAL:	\$ 6,558,157.00

GRAND TOTAL USES: \$ 34,833,657.00

Total Proposed Project Budget

Total Available Funding

Add'l Funding Req'd or Budget Surplus :

EXHIBIT 1

Jean M. Torregano

From: Arcuri, Blake <arcurib@opso.us>
Sent: Wednesday, January 23, 2019 9:26 AM
To: Sunni LeBeouf
Cc: Rebecca Cooper
Subject: Meeting

EMAIL FROM EXTERNAL SENDER

Sunni,

Director Hodge had a meeting with the leadership team on the documents received regarding the three proposed options. The group concluded that none of the options are viable as a long term solution for housing the mental health and medical populations at the jail. It is the group's position that the building as previously planned should go forward. As such, he does not see the need for any further meeting on the alternative proposals to be held today.

Please let me know if you want to discuss further.

Blake

Blake J. Arcuri
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February 13, 2019

Temporary Detention Center Modifications for Male and Female Mental Health

The scope of work for this project will include the renovation of two existing metal buildings that currently contain four dormitories. Three of these dormitories will be renovated for male offenders and one will be renovated for female offenders.

The scope for the male dormitories is outlined below:

- Each Male Dormitory will include the addition of the following spaces:
 - Six Double-Occupancy Suicide Resistant Cells
 - One Single-Suicide Resistant cell (note in one of the dormitories this will be a negative air pressure cell)
 - Multipurpose Room
 - Exam room
 - Staff Toilet
 - Storage room
 - Soiled and Cleaned utility rooms
 - Interview Room
 - Office
 - Clinical Work station
 - Direct supervision Desk

The scope for the female unit will be as outlined below.

- Two Double-Occupancy Suicide Resistant Cells
- Three existing cells will be modified for suicide resistance. (one of the cells will be will be a negative air pressure cell)
- 16 dormitory beds in the existing day space
- Multipurpose Room
- Exam room
- Staff Toilet
- Storage room
- Soiled and Cleaned utility rooms
- Interview Room
- Office
- Clinical Work Station
- Direct Supervision Desk

General Scope for all Buildings will include the following:

- Glass front cells that will be designed using a truss-built panel system, with metal and grout center, for speed and weight. The walls for other areas will be metal stud and impact resistant gyp board.
- The showers will be modified with doors, ceiling and proper ventilation with the floor and walls to be painted with epoxy paint. (note in the female unit we will have one shower and one tub)
- The mechanical system will be upgraded to provide proper ventilation to all areas which will include the replacement of ductwork and fan equipment.
- The electrical system will be minimally modified for added scope in the additional rooms. This will include added outlets, data and lighting with LED lighting fixtures.
- Modifications to the security electronics system will include additions to provide a direct supervision desk in each day room and add required controls for locks and cameras. All cameras will be high definition cameras with the capability to record for 60 days in all four units.

Estimated Cost will be between \$4,500,000.00 to \$5,000,000.00.

Timeline:

Design time	30 days
Bidding and procurement	90 days
Construction	240 days
Total Time form start of Design	360 days

NOT FOR
CONSTRUCTION

2-CV-00000

Temporary Acute Mental Health Facility

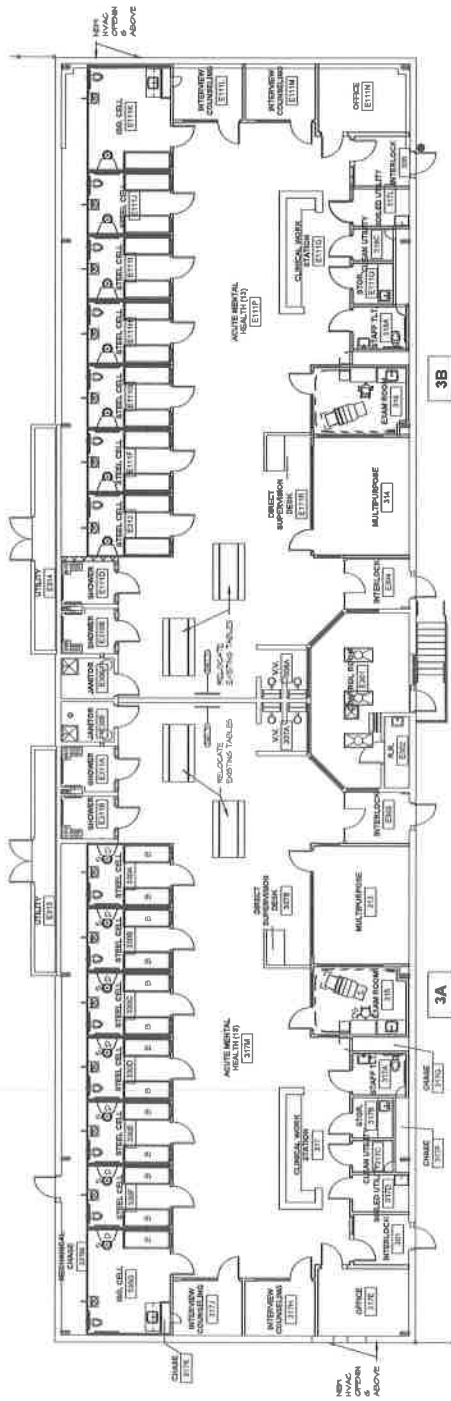
ORLEANS PARISH SHERIFF'S OFFICE

DATE	2/13/2015
PROGRAM	PROGRAM 03
ACCOUNT NO.	PROGRAMMING
ACCOUNT NUMBER	56104

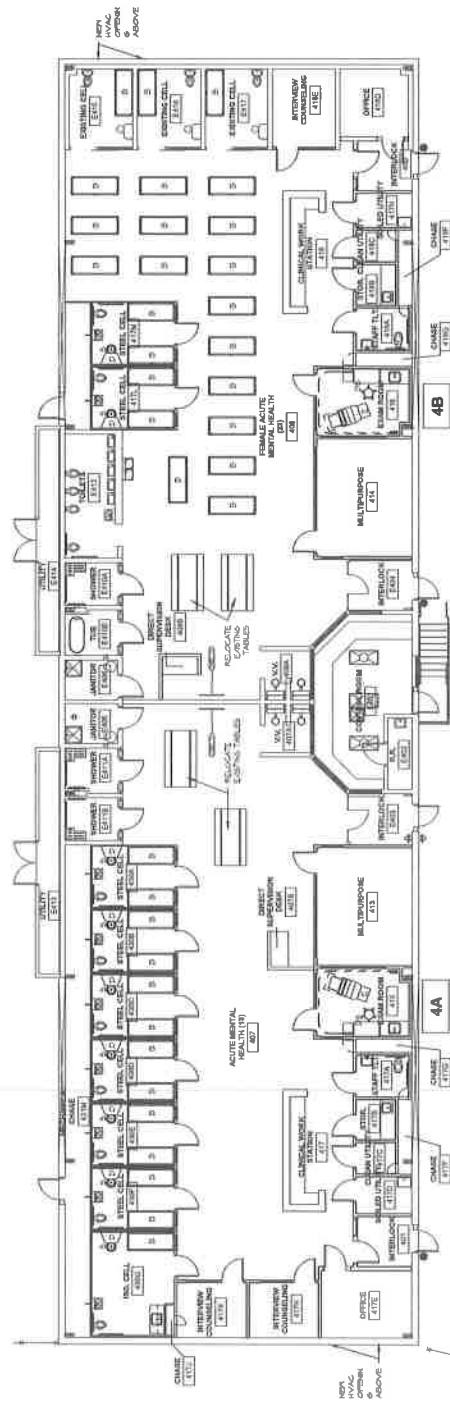
FIRST FLOOR PLAN
BUILDINGS 3 & 4

Abstract

A102



FLOOR PLAN-BUILDING 3



FLOOR PLAN-BUILDING 4